

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 ALLSTATE INSURANCE COMPANY, *et.*  
7 *al.*,  
8 Plaintiffs,  
9 v.  
10 MARJORIE BELSKY, MD, *et. al.*,  
11 Defendants.

Case No. 2:15-cv-02265-MMD-DJA

ORDER

12 Before the Court is Plaintiffs' motion to seal (ECF No. 465) and Plaintiffs' motion  
13 to permit the deposition transcript of non-party witness Loretta Muir to be used in  
14 accordance with FRCP 32(a)(4)(E), or in the alternative, a motion *in limine* to deem  
15 admissible deposition transcript (ECF No. 466). Because Defendants have failed to  
16 object, as further explained below, the Court grants the motions.

17 The time for Defendants to respond to the motions has long expired and to date,  
18 Defendants have failed to respond. Opposition to the motions were due February 16,  
19 2021, 14 days from the date the motions were filed. (ECF Nos. 465, 466.) LR 7-2(d)  
20 provides that "[t]he failure of an opposing party to file points and authorities in response  
21 to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,  
22 constitutes a consent to the granting of the motion." Thus, Plaintiffs' motions are properly  
23 granted under LR 7-2(d) because Defendants have failed to oppose them.<sup>1</sup> However,  
24 Plaintiffs must file a redacted version of their motion to permit the deposition transcript of  
25 non-party witness Loretta Muir (ECF No. 466) for the public record pursuant to LCR IC 6-  
26 1.

27  
28 <sup>1</sup>The Court specifically grants the motion to permit the deposition transcript of non-  
party witness Loretta Muir in accordance with FRCP 32(a)(4)(E) and not in the alternative.

1 It is therefore ordered that Plaintiffs' motion to seal (ECF No. 465) is granted.

2 It is further ordered that Plaintiffs' motion to permit the deposition transcript of non-  
3 party witness Loretta Muir to be used in accordance with FRCP 32(a)(4)(E) (ECF No.  
4 466) is granted.

5 It is further ordered that Plaintiffs must file a redacted copy of the motion to permit  
6 the deposition transcript of non-party witness Loretta Muir to be used in accordance with  
7 FRCP 32(a)(4)(E) within seven days of this Order.

8 DATED THIS 28<sup>th</sup> Day of April 2021.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE